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## **I. GENERAL INSTRUCTIONS - Introduction**

### **The Voluntary Sentencing Standards and Worksheets – A Structured Sentencing System**

The Voluntary Sentencing Standards are:

- Voluntary and non-appealable;
- Developed by judges, prosecutors, defense lawyers, victim advocates, and other criminal justice officials in response to the legislative directive to recommend a more structured sentencing system in Alabama to address unwarranted disparity and prison overcrowding (reserving scarce prison resources for the most dangerous and violent offenders); § 12-25-2, Code of Alabama 1975.
- Created from historical sentencing data, reflecting the major factors considered in making sentencing decisions and the importance of those factors to each other;
- Include the historical application of Alabama's statutory sentence enhancements and mandatory minimums, except the sentences of life without parole and the new child sexual offender laws;
- Designed to mimic the two decisions in criminal sentencing – where and how the sentence is served, prison or non-prison (disposition), and the length of the sentence (duration).
- Expected to be followed in 75% of the covered cases, leaving flexibility with judges to sentence higher or lower as appropriate in approximately 25% of the covered cases; and
- Designed to shorten sentence length recommendations for in non-violent cases

to alleviate overcrowding and to make room for violent offenders.

In addition, the Standards and Worksheets

- Cover the 26 most frequently sentenced offenses and 87% of sentenced cases;
- Standardize sentence recommendations for more informed and uniform sentencing practices and the elimination of unwarranted disparity;
- Allow judges to retain discretion in arriving at sentencing decisions;
- Encourage the use of probation and community correction programs for non-violent offenders;
- Make all mandatory minimums and sentence enhancements (except life without parole, and the child sex offender amendments) discretionary; and
- Address overcrowding by providing a mechanism for changing sentence recommendations to meet economic reality while preserving public safety.

The Voluntary Sentencing Standards consist of three sets of worksheets and prison sentence length tables that divide the covered offenses into three offense types designated property, drug, and personal offenses.

The property, drug, and personal offense types each contain an In/Out worksheet that recommends a sentence disposition and a Prison Sentence Length worksheet that recommends a sentence length range.

Each type of worksheet relies on a sentence length table from which a sentence range is recommended based on Prison Sentence Length Worksheet score.

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## **II. GENERAL INSTRUCTIONS - Administrative Procedures § 12-25-35**

### **Responsibility for Completing Worksheets**

The worksheets may be completed by a probation officer, the prosecutor, or any other person designated by the sentencing judge. § 12-25-35

(a) This responsibility may be divided; for example, the judge may designate one person to complete the case information and the sentencing factors information and to total the scores for determining the sentencing worksheet recommendations prior to sentencing and another person to complete the actual sentence information before the form is forwarded by the clerk to the sentencing commission. *How this is done is up to the sentencing judge who has the final responsibility for seeing that the forms are completed, considered by the court, and sent to the Court Clerk for forwarding to the Alabama Sentencing Commission.*

### **Responsibilities of Worksheet Preparer**

The Worksheet Preparer(s) obtains the necessary information needed to complete the worksheet; totals the scores; and determines the recommended sentence based on the worksheet scores, distributes the worksheets to the appropriate parties, and presents the completed recommendation to the sentencing judge.

### **Worksheet Distribution**

A copy of the sentencing worksheets reflecting the sentencing recommendations must be presented to the prosecutor, the defendant and/or his attorney, and the sentencing judge prior to sentencing. § 12-25-35 (d)

The final worksheets showing not only the recommendations, but also the actual sentence and disposition of the sentence, must be given to the

Court Clerk to forward to the Alabama Sentencing Commission.

### **Use of the Worksheets by the Sentencing Judge**

Prior to sentencing, the trial court shall review the sentencing standards worksheets and consider the suitability of the applicable voluntary sentencing recommendations. In imposing sentence, the court shall indicate on the record that the worksheets and applicable sentencing standards have been reviewed and considered. § 12-25-35 (b)

After sentencing, the sentencing judge shall give the completed worksheets showing sentence recommendations, the actual sentence, and if applicable, the reasons for departure, to the Court Clerk to forward to the Alabama Sentencing Commission. § 12-25-35 (e)

### **Departure from the Worksheet Recommendations**

The worksheets are designed with the expectation they will provide appropriate recommendations in at least 75% of the covered cases. The sentencing judge may choose to sentence any covered case outside the standards in accordance with existing law.

When the trial court imposes a sentence that departs from the voluntary standards, the Alabama Sentencing Commission requests that the court provide a brief written reason for the departure. This information will be used by the Commission in evaluating the standards and determining where changes should be made. Providing this information gives each sentencing judge an opportunity to have input into future changes to the standards. § 12-25-35 (c).

Neither the departure nor the reason stated for the departure shall be subject to appellate review, but is to be provided to the Alabama Sentencing Commission for future consideration concerning modification of the voluntary sentencing standards and for statistical purposes only. § 12-25-35 (c).

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## **Responsibilities of the Court Clerk**

Following the imposition of a sentence in a felony case, the clerk of the court in which the case was disposed shall forward a copy of the sentencing order or orders, a copy of the voluntary sentencing standards worksheets prepared in the case, and a copy of any departure explanation to the commission within 45 days after the imposition of sentence. § 12-25-35 (e).

These documents may be sent in paper form or electronically. Paper forms must be sent to:

Alabama Sentencing Commission  
300 Dexter Avenue  
Montgomery, AL 36104

The Court Clerk should ensure that the actual sentence recorded on the worksheets is the same as reflected on the case action summary.

## **Appellate Review**

Failure to follow the standards, or failure to follow any or all of the standards in the prescribed manner, shall not be reviewable on appeal or serve as the basis of any other post-conviction relief. § 12-25-35 (f)

## **Judicial Disagreement with Worksheet Scoring and Instructions**

To comply with the sentencing standards, the sentence imposed must be imposed according to the Instructions in this manual. Any sentence imposed outside the standards must be in accordance with existing law, exclusive of the standards. If a judge disagrees with the standards recommendation or weighting of factors and chooses to disregard the recommendation or the weighting of any factor as set out in the worksheets or worksheet instructions, the only option is to sentence under existing law exclusive of the standards recommendation. The judge's disagreement may be properly expressed by stating

the disagreement as a reason for departure on the worksheets.

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### III. GENERAL INSTRUCTIONS - Completing the Worksheets

#### When to use the Voluntary Sentencing Standards

#### Covered Offenses

The following offenses are covered by the Voluntary Sentencing Standards and Worksheets.

#### Personal Worksheets

Assault I  
§ 13A-6-20

Assault II  
§ 13A-6-21

Manslaughter  
§ 13A-6-3

Murder  
§ 13A-6-2

Rape I  
§ 13A-6-61

Rape II  
§ 13A-6-62

Robbery I  
§ 13A-8-41

Robbery II  
§ 13A-8-42

Robbery III  
§ 13A-8-43

Sodomy I  
§ 13A-6-23

Sodomy II  
§ 13A-6-64

#### Property Worksheets

Burglary I  
§ 13A-7-5

Burglary II  
§ 13A-7-6

Burglary III  
§ 13A-7-7

Forgery II  
§ 13A-9-3

Possession Forged Instrument II  
§ 13A-9-6

Theft of Property I  
§ 13A-8-3

Theft of Property II  
§ 13A-8-4

Receiving Stolen Property I  
§ 13A-8-17

Receiving Stolen Property II  
§ 13A-8-18

Unauthorized Use/B&E Vehicle  
§ 13A-8-11(a)(4) & (b)

Unlawful Possession/Use  
Credit/Debit Card  
§ 13A-9-14

#### Drug Worksheets

Felony DUI  
§ 32-5a-191(h)

Possession of Marihuana I  
§ 13A-12-213

Unlawful Possession of a  
Controlled Substance  
§ 13A-12-212

Sale/Distribution of Marihuana  
(other than to a minor)  
§ 13A-12-211

Sale/Distribution of Schedule I-V  
(other than to a minor)  
§ 13A-12-211

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## Worksheets are Offense Specific

Worksheets are intended for use only when the offense sentenced is a worksheet offense. They are not intended to provide guidance when sentencing similar crimes. The factors on the worksheets have been statistically derived specifically for the listed offenses and may or may not be statistically significant in predicting sentencing outcomes for other offenses.

## The Most Serious Offense

Worksheets must be completed and considered when the “most serious offense” at a sentencing event is a worksheet offense.

## Sentencing Event

A sentencing event includes all convictions sentenced at the same time whether included as counts in one case or in several different cases.

## Determining the Most Serious Offense at a Sentencing Event

Rule 1. Where two or more offenses at the same sentencing event are the same crime type (covered by the same worksheet), the most serious offense is the offense with the highest number of points shown on the corresponding Prison Sentence Length Worksheet.

Rule 2. Where two or more offenses at the same sentencing event are different crime types (covered by different worksheets), the most serious offense is the offense with the highest number of points shown on the Prison Sentence Length worksheets. The preparer may complete both worksheets and select the offense that results in the most severe penalty.

Example:

- If a defendant is being sentenced for Assault II (72 points) and Burglary II (70 points) at the same sentencing event, the worksheet preparer should first complete the Personal Sentencing Worksheets to determine the recommended sentencing outcome. This is because Assault II

has the highest point value in the first section of the “personal” sentence length worksheet. Then, the preparer could elect to score Burglary II as the primary offense on the worksheets to determine which sentencing outcome would be most appropriate in this particular case.

Rule 3. Where a sentencing event includes both a worksheet offense and a non-worksheet offense and both carry the same statutory maximum penalty, the worksheet offense is the most serious offense. The other offense should be scored as an additional offense where appropriate.

Example:

- The maximum statutory penalty for Criminal Mischief I (with no prior felony convictions) is 10 years and the maximum statutory penalty for Assault II (with no prior felony convictions) is 10 years. If both are being sentenced at the same event, the worksheet preparer should score the personal worksheets for Assault II. This is because Assault II is covered by the worksheets and Criminal Mischief I is not.
- In the above scenario, if worksheet offense was a drug or property offense, the non-worksheet offense(s) should be scored under the “Number of Additional Felony Convictions (Including Counts)” section of the Sentence Length Worksheets.

Rule 4. Where a sentencing event includes both a worksheet offense and a non-worksheet offense and the non-worksheet offense has a higher statutory maximum penalty, the non-worksheet offense is the most serious offense and the voluntary Sentencing Standards are not applicable.

## Completing the In/Out Worksheet and the Prison Sentence Length Worksheet

Both the In/Out Worksheet and the Prison Sentence Length Worksheet applicable to the sentencing event must be completed even in the recommendation is “non-prison.”

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## Rules for Scoring Prior Records

*Date of Prior Records* - Prior records are to be scored based on convictions, juvenile delinquency and/or youthful offender adjudications occurring before the arrest date(s) of the offense(s) sentenced.

*Ambiguous Prior Records* - If an ambiguous entry on a prior record document cannot be resolved, the worksheet preparer should treat the information in a way that gives the benefit of the doubt to the offender. If any prior record disposition information is missing, the worksheet preparer should assume that no conviction occurred.

*Burden and Manner of Proving Prior Records* - In the event of a dispute, the burden of proving the prior record is on the prosecutor. For purposes of proving in-state prior convictions, any official court document – whether automated or hard copy – shall be sufficient for meeting the burden or proof requirement. When meeting the burden or proof for out of state convictions, certified copies of official court records shall be sufficient evidence. Out of state records need not be exemplified.

*Prior Nolo Contendere Dispositions* – Matters disposed of by pleas of *nolo contendere* or “no-contest” should be counted as prior convictions for worksheet purposes. In addition, any incarceration resulting from a plea of *nolo contendere* should be counted in the appropriate places on the worksheets.

*Effect of Pardons* – In the event a defendant has received a pardon for innocence, the conviction for which he or she received the pardon should be excluded when scoring prior convictions. All other pardons –e.g. those to restore voting rights – should not be excluded.

*Prior Misdemeanor or violation convictions* – All *criminal* convictions should be counted. Traffic convictions do not count except: Driving Under the Influence, Boating Under the Influence, Leaving the Scene of an Accident, Attempting to Elude Law

Enforcement, Driving Without a License, and Driving While license is Suspended or Revoked.

*Prior DUI convictions* – All misdemeanor DUI convictions occurring before the arrest date for the current offense should be counted as priors, even when the worksheets are being completed for Felony DUI.

## Time for Completing Worksheets and Determining Recommendations

Worksheets must be completed prior to the imposition of sentence in sufficient time for review by all parties and the sentencing judge.

In pre-trial diversion cases and drug court cases, worksheets are not required until a sentence is imposed. Some courts impose a sentence as soon as an offender enters drug court. In these courts, worksheets are required to be completed “up front.” In other courts, sentencing does not occur unless the offender “flunks out” of the drug court program. In these courts, the worksheets may be filled out any time prior to sentencing, giving sufficient notice to all parties and the judge.

## Sentence Lengths

Where Prison is the sentence disposition on the In/Out Worksheet, the prison sentence must be chosen from within the recommended range for the corresponding score on the Prison Sentence Length Ranges Table for the most serious offense worksheet offense type.

If a score on the Prison Sentence Length Worksheet falls between two scores listed on the Sentence Length Ranges Table, select the lower of the two scores to determine the recommended sentence range.

When choosing a sentence from the recommended sentence range, the sentence chosen must not be less than the statutory sentences specified in Section 13A-5-6(a)(1)-(3), provided, however, the



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minimum sentence may still be “split” pursuant to Section 15-18-8.

1. For a Class A felony, the minimum sentence imposed must be at least 120 months.
2. For a Class B felony, the minimum sentence imposed must be at least 24 months.
3. For a Class C felony, the minimum sentence imposed must be at least 12 months and 1 day.

A recommended sentence of 13 months includes any portion of the 13<sup>th</sup> month, i.e. 12 months and 1 day.

Sentence lengths recommended on the worksheets are intended to give guidance in imposing prison sentences. They are not intended to suggest terms of probation. Compliance with the Voluntary Sentencing Standards occurs when the sentence conforms to the recommendation on the In/Out Worksheet and,

where prison is recommended, the prison sentence length conforms to the recommended sentence range on the Prison Sentence Length Worksheet, or

where non-prison is recommended, the total suspended sentence length conforms to either the recommended sentence range on the Prison Sentence Length Worksheet or any other sentence length authorized by law.

In other words, where the In/Out Worksheet recommendation is non-prison, the total suspended sentence need not conform to the prison sentence length recommendation. The length of probation terms authorized by law is not affected by the Voluntary Sentencing Standards.

### **Judge’s Colloquy in Guilty Pleas**

The court’s obligation to advise the defendant as to the statutory range of punishment prior to accepting a guilty plea is not affected by the voluntary sentencing standards.

### **Imposition of Sentence**

Once a sentence has been selected from the recommended Prison Sentence Length Range Table, the sentencing judge may determine how that sentence shall be imposed for that sentencing event.

Example:

If a defendant is sentenced for three felonies at one sentencing event and the chosen sentence is 360 months (30 years) the judge may impose the sentence as:

- o 360 months for each conviction to run concurrently;
- o 120 months for each conviction to run consecutively; or
- o one 240 month sentence and two 60 month sentences to run consecutively.

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#### IV. GENERAL INSTRUCTIONS - Mechanics of Completing the Worksheets

Because of the multiple ways in which sentencing occurs in Alabama, there is no requirement concerning which worksheet is completed first. It is suggested, however, the preparer first complete the case information at the top of the In/Out Worksheet.

##### PRISON IN/OUT WORKSHEET

**Step A** - Complete the case information at the top of the In/Out Worksheet and the Prison Sentence Length Worksheet. Please print.

*Defendant* – fill in the defendant’s name as it appears in the court case file.

*Case No.* – fill in the case number for the most serious offense for the sentencing event.

*Judge* – fill in the name of the judge presiding over sentencing in the case.

*DA/Asst. DA* – fill in the name of the attorney representing the state at this sentencing event.

*Probation Officer* – fill in the name of the probation officer assigned to this case.

*Defense Attorney* – fill in the name of the attorney representing the defendant at sentencing, or if more than one attorney, the lead attorney in the case.

*Worksheet Preparer, Title* – fill in the name and the title of the worksheet preparer.

*List Additional Cases Sentenced for this Event* – If there are two or more cases sentenced at this sentencing event, fill in the case numbers for the additional cases. Also include additional counts by listing the specific additional convicted offenses.

Defendant _____	Case No. _____
Judge _____	DA/Asst. DA _____
Probation Officer _____	Defense Attorney _____
Worksheet Preparer, Title _____	
List Additional Cases Sentenced for this Event _____	

**Step B** – Complete the Sentencing Factors Section, adding the score for each section. See the instructions for each worksheet.



**Step C – Prison In/Out Worksheet:**

1. Total the scores from the Sentencing Factors Section and record the total score in the Total Score box.
2. Circle the recommendation (non-prison or prison) that conforms to the total score.

Drug In/Out Recommendation	Total Score <input type="text"/>
1-7 points: Non-Prison	8 or more points: Prison

Property In/Out Recommendation	Total Score <input type="text"/>
8-14 points: Non-Prison	15 or more points: Prison

Personal In/Out Recommendation	Total Score <input type="text"/>
1-7 points: Non-Prison	8 or more points: Prison

**Step D –** When the actual sentence is imposed, record the disposition of sentence by checking the appropriate disposition on the In/Out worksheet.

Probation	_____	Department of Corrections	_____
Community Corrections Probation	_____	DOC at Community Corrections	_____
County Jail / Work Release	_____	DOC Split Sentence	_____
Other Alternative	_____		
Reason Recommendation Not Accepted	_____		

**Step E –** After sentencing, if the judge departs from the In/Out worksheet recommendation, the Alabama Sentencing Commission asks that the reason for the departure be stated here.

Reason Recommendation Not Accepted
_____

**PRISON SENTENCE LENGTH WORKSHEET**

**Step A** - Complete the case information at the top of the Prison Sentence Length Worksheet.

*Defendant* – fill in the defendant’s name as it appears in the court case file.  
*Case No.* – fill in the case number for the most serious offense for the sentencing event.

**Step B** – Complete the Sentencing Factors Section, adding the score for each section. See the instructions for each worksheet.

**Step C** - Prison Sentence Length Worksheet:

- 1. Total the scores from the Sentencing Factors Section and record the total score in the Total Score box.
- 2. Go to the Prison Sentence Length Range table and select the sentence ranges that conform to the total score.
- 3. Record the recommended ranges on the Prison Sentence Length Worksheet.

**Step D** - Record the actual sentenced imposed by the sentencing judge.

**Step E** - If the sentence imposed does not fall within the recommended sentence ranges, a departure occurs. If a departure from the Sentence Length range occurs, record the Reason for the Departure.

	<b>Prison Sentence Length Recommendation</b>	<b>Step C1</b> <b>Total Score</b> <input type="text"/>
<b>Step C3</b>	Recommended Sentence Range ____ to ____ (straight) ____ to ____ (split)	
<b>Step D</b>	Actual Sentence Imposed _____	
<b>Step E</b>	Reason did Not Accept Sentence Length Recommendation _____	

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## PRISON SENTENCE LENGTH RANGES FOR WORKSHEET

This table contains recommended sentence length ranges from which a sentence imposed under the Voluntary Sentencing Standards is chosen.

The table is divided into three sections or column groups.

1. The first column is a list of scores in actual cases analyzed by the Alabama Sentencing Commission in developing the worksheets and standards.
2. The next three columns (Total Sentence) list the recommended sentence ranges from which a sentence may be chosen.
3. The last three columns (Time to Serve on Split) list the recommended sentence ranges for the incarceration portion of a split sentence in the event the judge chooses to impose a split sentence.

<i>Step A</i>	<i>Step B</i>			<i>Step C</i>		
	Total Sentence			Time to Serve On Split		
<u>Score</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
32	13	18	23	6	9	12
37	13	22	31	6	9	12
39	13	22	31	6	9	12
42	13	22	31	6	9	12
44	13	22	31	6	9	12
45	13	22	31	6	9	12
46	13	22	31	6	9	12
47	13	22	31	6	9	12
49	14	23	31	6	9	12
51	14	23	31	6	9	12
52	14	27	38	6	9	12
53	14	27	38	6	9	12
54	14	27	38	6	9	12
55	14	27	38	6	9	12
56	14	31	46	6	9	12
57	14	31	46	6	9	12
58	14	31	46	6	9	12

This table is not intended to encourage or discourage the use of split sentences. The use of splits remains a matter entirely within the discretion of the sentencing judge.

**Step A** - Find the score that matches or, if no match is found, the next lower score corresponds to the Total Score on the Prison Sentence Length Worksheet.

**Step B** – Identify the recommended sentence range for that score in “Total Sentence” columns.

**Step C** - Identify the matching recommended sentence range for the incarceration portion of a split sentence from the “Time to Serve on Split” columns.

Record the recommended sentence ranges on the Prison Sentence Range Worksheet.

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**Final Step** - Transmit the completed worksheets (Prison In/Out and Prison Sentence Length) to the Court Clerk for forwarding to the Alabama Sentencing Commission.

**Alabama Sentencing Commission  
300 Dexter Avenue  
Suite 2-230  
Montgomery, AL 36104-3741  
Fax: (334) 954-5201**

# DRUG OFFENSES

## **Voluntary Sentencing Standards & Worksheets**

The Drug offenses listed below are covered by the Voluntary Sentencing Standards & Worksheets.

### **Most Serious Offense at Conviction Ranking**

Sale/Distribution of Schedule I-V (other than to minor) – 113 points  
§ 13A-12-211

Sale/Distribution of Marihuana (other than to minor) – 84 points  
§ 13A-12-211

Unlawful Possession of a Controlled Substance – 71 points  
§ 13A-12-212

Felony DUI – 42 points  
§ 32-5a-191(h)

Possession of Marihuana I – 42 points  
§ 13A-12-213



# INSTRUCTIONS - - Drug Prison In/Out Worksheet

1

## **Case Information Section**

Complete prior to sentencing. See the General Instructions to complete this section.

2

## **Sentencing Factors Section**

Complete prior to sentencing.

3

## **Most Serious Conviction Offense -**

Following the general instructions, the scorer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The scorer should enter the number of points assigned to the most serious offense.

4

## **Number of Prior Adult Felony Convictions**

- Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

5

## **Number of Prior Adult Convictions for Misdemeanors or Violations**

- Count all criminal convictions for misdemeanor offenses or violations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only include the serious traffic offenses of (1) DUI, (2) BUI, (3) Leaving the Scene of an Accident, (4) Attempting to Elude, (5) Driving without a License or (6) Driving while License is Suspended or Revoked.

6

## **Prior Incarceration with Sentence Imposed of 1 Year or More**

- Count prior prison, jail or Department of Corrections/ community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

7

## **Prior Probation or Parole Revocation**

- Count prior probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only felony probation revocations should be scored.

8

## **Number of Prior Juvenile Delinquency or Youthful Offender Adjudications**

- Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition*

*for misdemeanors or violations as set out in factor #5.*

9

## **Possession/Use of a Deadly Weapon or Dangerous Instrument**

- Count this factor if there was a connection other than the mere possession of a weapon between the presence of a deadly weapon (or dangerous instrument) and the commission of any of the offense(s) being sentenced at the current sentencing event. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. For the purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

10

## **Recommendation Section**

**Total Score** - Prior to sentencing, total the scores from the Sentencing Factors Section. If the total score is 1 through 7 points, then a non-prison sentence is recommended for the offender. If the total score is 8 or more points, a prison sentence is recommended.

11

## **Non-Prison: 1-7 Points**

Several options are given for imposing a non-prison sentence. Some of these options are shown on the worksheet. One of these options must be checked to complete the worksheet. Check only one option. *Probation* should be checked if the offender is sentenced to traditional probation.

*Community Corrections Probation* should be checked if the offender is sentenced to community corrections as a condition of probation.

*County Jail/Work Release* should be checked if the offender is sentenced to a term in the county jail. *Note: For worksheet purposes, a sentence to the county jail and/or county work release is considered a non-prison sentence.*

*Other Alternative* should be checked when a non-prison alternative, other than those listed, is used.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

12

## **Prison: 8 or more points**

Several prison alternatives are provided. *Department of Corrections* should be checked if the sentence is a straight prison sentence.

*DOC at Community Corrections* should be checked if the offender is sentenced to DOC and ordered to a community corrections program.

*DOC Split Sentence* should be checked if the sentence is a split sentence. Any split to be served in DOC or DOC Community Corrections is considered a prison sentence.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

13

## **Reason Recommendation Not Accepted**

This section need be completed only on the copy of the worksheet provided to the court clerk.

If the sentencing judge decides that the In/ Out recommendation does not fit this case, the judge or his or her designee, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

### **More severe**

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

### **Less severe**

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

After sentencing, the completed worksheet must be given to the court clerk to forward to the Alabama Sentencing Commission, along with the Prison Sentence Length worksheet.

Please Print

# Drug Prison In/Out Worksheet

**1** Defendant \_\_\_\_\_ Case No. \_\_\_\_\_  
Judge \_\_\_\_\_ DA/Asst. DA \_\_\_\_\_  
Probation Officer \_\_\_\_\_ Defense Attorney \_\_\_\_\_  
Worksheet Preparer, Title \_\_\_\_\_  
List Additional Cases Sentenced for this Event \_\_\_\_\_

**2**

**3** Most Serious Conviction Offense                      Please circle one offense

Possession of Marihuana or Controlled Substance ..... 1  
Felony DUI ..... 4  
Sale/Distribution of Marihuana (other than to minor) ..... 6  
Sale/Distribution of Schedule I-V (other than to minor) ..... 6

Score

**4** Number of Prior Adult Felony Convictions                     

None ..... 0  
1 ..... 2  
2 ..... 3  
3 ..... 5  
4 ..... 6  
5 or more ..... 7

Score

**5** Number of Prior Adult Convictions for Misdemeanors or Violations                     

0-1 ..... 0  
2-5 ..... 1  
6-9 ..... 2  
10 or more ..... 3

Score

**6** Prior Incarceration with Sentence Imposed of 1 Year or More                     

If Yes ..... 3

Score

**7** Prior Probation or Parole Revocation                     

If Yes ..... 1

Score

**8** Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony)                     

0 ..... 0  
1-2 ..... 1  
3-4 ..... 2  
5 or more ..... 3

Score

**9** Possession/Use of a Deadly Weapon or Dangerous Instrument                     

If Yes ..... 2

Score

## Recommendation

**11** 1-7 points: Non-Prison

Probation \_\_\_\_\_  
Community Corrections Probation \_\_\_\_\_  
County Jail/Work Release \_\_\_\_\_  
Other Alternative \_\_\_\_\_

**12** 8 or more points: Prison

Department of Corrections \_\_\_\_\_  
DOC at Community Corrections \_\_\_\_\_  
DOC Split Sentence \_\_\_\_\_

**10** Total Score

**13** Reason Recommendation **Not** Accepted \_\_\_\_\_

# INSTRUCTIONS - - Drug Prison Sentence Length Worksheet

The Drug Prison Sentence Length Worksheet is intended for use where a prison sentence is recommended on the In/Out worksheet. The sentencing standards were developed based on prison sentences actually imposed. These sentences may, however, be used as a guide when the recommendation is non-prison so long as other laws regarding limits on the length of probation are followed.

The Case Information and Sentencing Factors section of this worksheet must be completed prior to sentencing.

## 1 Case Information Section

Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

## 2 Sentencing Factors Section

Complete prior to sentencing.

## 3 Most Serious Conviction Offense –

Following the general instructions, the scorer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The scorer should enter the number of points assigned to the most serious offense.

## 4 Number of Additional Felony

**Convictions (Including Counts)** – The scorer should total all offenses being sentenced other than the most serious offense being sentenced at the present time. In the event of a multi-count indictment, all counts in which the defendant was found guilty or entered a guilty plea should be counted the same as separate convictions.

## 5 Number of Prior Adult Felony

**Convictions** – Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

## 6 Number of Prior Adult Felony Class C

**Convictions** – Count only the number of Class C felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

## 7 Prior Incarceration with Sentence

**Imposed of 1 Year or More** – Count prior prison, jail or Department of Corrections/ community corrections sentences where the non-suspended time imposed was one

year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

## Prison Sentence Length Recommendation

8 **Total Score** – Total the scores from the Sentencing Factors Section.

9 **Recommended Sentence Range** – Go to the Drug Prison Sentence Ranges for Worksheet Table to convert the score into a sentence length recommendation. Record the recommended sentence range for the total sentence in the space identified as “straight”. Record the recommended split sentence range in the space provided. The prison sentence for the most serious offense must come from these tables to comply with the standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table recommendations and should *not* be added.

10 **Actual Sentence Imposed** – Enter the actual sentence imposed, including the split if a split is imposed.

*Example:* 36 months, split to serve 12 months with 24 months probation.

*Example:* 60 months, split to serve 24 months with 12 months probation.

*Example:* 60 months

*Note: the disposition of the prison sentence, DOC custody, DOC at Community Corrections, or DOC split should also be checked on the In/Out worksheet.*

## Reason Recommendation Not

11 **Accepted** – If the sentencing judge decides that no sentence length recommendation fits this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

More severe

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.

- Deserves greater punishment considering injury to victim.

Less severe

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

After sentencing, the completed worksheet must be given to the court clerk to forward to the Alabama Sentencing Commission, along with the Prison In/Out worksheet.

Please Print

# Drug Prison Sentence Length Worksheet

1 Defendant \_\_\_\_\_ Case No. \_\_\_\_\_

2 \_\_\_\_\_  
3 Most Serious Conviction Offense Please circle one offense

Felony DUI/ Possession of Marihuana ..... 42  
Unlawful Possession of a Controlled Substance ..... 71  
Sale/Distribution of Marihuana (other than to minor) ..... 84  
Sale/Distribution of Schedule I-V (other than to minor) ..... 113

Score

4 Number of Additional Felony Convictions (Including Counts) \_\_\_\_\_

None ..... 0  
1 ..... 15  
2 ..... 29  
3 ..... 44  
4 or more ..... 58

Score

5 Number of Prior Adult Felony Convictions \_\_\_\_\_

None ..... 0  
1 ..... 10  
2 ..... 20  
3 ..... 30  
4 ..... 40  
5 or more ..... 50

Score

6 Number of Prior Adult Felony Class C Convictions \_\_\_\_\_

None ..... 0  
1 ..... 7  
2 ..... 14  
3 ..... 21  
4 ..... 28  
5 ..... 35  
6 ..... 43  
7 or more ..... 50

Score

7 Prior Incarceration with Sentence Imposed of 1 Year or More \_\_\_\_\_

If Yes ..... 14

Score

See Prison Sentence Length  
Recommendation Table

8 Total Score

9 Recommended Sentence Range \_\_\_\_\_ to \_\_\_\_\_ (straight) \_\_\_\_\_ to \_\_\_\_\_ (split)

10 Actual Sentence Imposed \_\_\_\_\_

11 Reason did **not** accept sentence length recommendation \_\_\_\_\_

## Drug Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
42	13	23	32	6	9	12
49	13	23	32	6	10	14
52	13	23	32	6	10	14
56	13	23	32	6	10	14
57	13	23	32	6	10	14
59	13	23	32	6	10	14
62	13	23	32	6	10	14
64	13	23	32	6	10	14
66	13	23	32	6	12	18
67	13	23	32	6	12	18
69	13	23	32	6	12	18
70	13	23	32	6	12	18
71	13	23	32	6	12	18
72	13	23	32	6	12	18
73	13	23	32	6	12	18
74	13	23	32	6	12	18
76	13	39	65	6	12	18
77	13	39	65	6	12	18
78	13	39	65	6	17	27
79	13	39	65	6	17	27
80	13	39	65	8	18	27
81	13	39	65	8	18	27
82	13	39	65	8	18	27
83	13	39	65	8	18	27
84	13	39	65	8	18	27
86	13	39	65	8	18	27
87	13	39	65	8	18	27
88	13	39	65	8	18	27
89	13	39	65	8	18	27
90	13	39	65	8	18	27
91	13	39	65	8	18	27
92	13	39	65	8	18	27
93	13	39	65	8	18	27
94	13	39	65	8	18	27
95	13	39	65	8	18	27
96	13	39	65	8	18	27
97	13	39	65	8	18	27
98	13	39	65	8	18	27
99	13	39	65	8	18	27
100	13	39	65	8	18	27
101	13	39	65	8	18	27
102	13	39	65	8	18	27
103	13	39	65	8	18	27
104	13	55	97	8	18	27
105	15	56	97	8	18	27
106	15	56	97	8	18	27
107	15	56	97	8	18	27
108	15	56	97	8	18	27
109	15	56	97	8	18	27

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>110</b>	15	56	97	8	18	27
<b>111</b>	15	56	97	8	18	27
<b>112</b>	15	56	97	8	18	27
<b>113</b>	15	56	97	8	18	27
<b>115</b>	15	56	97	8	18	27
<b>116</b>	15	56	97	8	18	27
<b>117</b>	15	56	97	8	18	27
<b>118</b>	15	56	97	8	18	27
<b>119</b>	15	56	97	8	18	27
<b>120</b>	15	56	97	8	18	27
<b>121</b>	15	56	97	8	18	27
<b>122</b>	15	56	97	8	18	27
<b>123</b>	15	56	97	8	18	27
<b>124</b>	15	56	97	8	18	27
<b>125</b>	15	56	97	8	18	27
<b>126</b>	18	58	97	8	18	27
<b>127</b>	18	58	97	8	18	27
<b>128</b>	18	58	97	8	18	27
<b>130</b>	18	58	97	8	18	27
<b>132</b>	18	58	97	8	18	27
<b>133</b>	18	58	97	8	18	27
<b>134</b>	18	58	97	8	18	27
<b>135</b>	18	58	97	8	18	27
<b>136</b>	18	58	97	8	18	27
<b>137</b>	18	58	97	8	18	27
<b>138</b>	18	58	97	8	18	27
<b>139</b>	18	58	97	8	18	27
<b>140</b>	18	58	97	8	18	27
<b>141</b>	21	62	104	8	18	27
<b>142</b>	21	62	104	8	18	27
<b>143</b>	21	62	104	8	18	27
<b>144</b>	21	62	104	8	18	27
<b>145</b>	21	62	104	8	18	27
<b>146</b>	21	62	104	8	18	27
<b>147</b>	21	62	104	8	18	27
<b>148</b>	24	64	104	8	18	27
<b>149</b>	24	64	104	8	18	27
<b>150</b>	24	64	104	8	18	27
<b>152</b>	24	64	104	8	18	27
<b>154</b>	30	67	104	12	20	27
<b>155</b>	30	67	104	12	20	27
<b>156</b>	30	67	104	12	20	27
<b>157</b>	30	67	104	12	20	27
<b>158</b>	30	67	104	12	20	27
<b>159</b>	30	67	104	12	20	27
<b>160</b>	30	67	104	12	20	27
<b>161</b>	30	67	104	12	20	27
<b>162</b>	30	67	104	12	20	27
<b>163</b>	30	67	104	12	20	27
<b>164</b>	30	67	104	12	20	27
<b>165</b>	30	67	104	12	20	27
<b>166</b>	30	67	104	12	20	27
<b>167</b>	30	67	104	12	20	27



<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>168</b>	30	67	104	12	20	27
<b>169</b>	30	67	104	12	20	27
<b>170</b>	30	67	104	12	20	27
<b>171</b>	30	67	104	12	20	27
<b>172</b>	36	70	104	12	20	27
<b>173</b>	36	70	104	12	20	27
<b>174</b>	36	70	104	12	20	27
<b>176</b>	36	70	104	12	20	27
<b>177</b>	36	70	104	12	24	36
<b>178</b>	36	70	104	12	24	36
<b>181</b>	45	87	130	16	26	36
<b>182</b>	45	87	130	16	26	36
<b>183</b>	45	87	130	16	26	36
<b>184</b>	45	87	130	16	26	36
<b>185</b>	45	87	130	16	26	36
<b>188</b>	45	87	130	24	30	36
<b>189</b>	45	87	130	24	30	36
<b>191</b>	45	87	130	24	30	36
<b>192</b>	45	87	130	24	30	36
<b>195</b>	45	87	130	24	30	36
<b>196</b>	45	87	130	24	30	36
<b>198</b>	45	87	130	24	30	36
<b>199</b>	45	87	130	24	30	36
<b>200</b>	45	87	130	24	30	36
<b>203</b>	45	87	130	24	30	36
<b>205</b>	45	87	130	24	30	36
<b>206</b>	45	87	130	24	30	36
<b>212</b>	45	87	130	24	30	36
<b>213</b>	45	87	130	24	30	36
<b>214</b>	45	87	130	24	30	36
<b>220</b>	45	87	130	24	30	36
<b>222</b>	45	87	130	24	30	36
<b>227</b>	45	87	130	24	30	36
<b>232</b>	45	87	130	24	30	36
<b>235</b>	45	87	130	24	30	36
<b>242</b>	45	87	130	24	30	36

# PROPERTY OFFENSES

## **Voluntary Sentencing Standards & Worksheets**

The Property offenses listed below are covered by the Voluntary Sentencing Standards & Worksheets.

### **Most Serious Offense at Conviction Ranking**

Burglary I – 275 points  
§13A-7-5

Burglary II – 70 points  
§13A-7-6

Theft of Property I – 58 points  
§13A-8-3

Receiving Stolen Property I – 58 points  
§13A-8-17

Theft of Property II – 46 points  
§13A-8-4

Receiving Stolen Property II – 46 points  
§13A-8-18

Burglary III – 45 points  
§13A-7-7

Forgery II – 44 points  
§13A-9-3

Possession of a Forged Instrument II – 42 points  
§13A-9-6

Possession/Use Credit/Debit Card – 39 points  
§13A-9-14

Unauthorized Use<sup>1</sup>/B&E Vehicle – 32 points  
§13A-8-11 (a)(4) & (b)

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<sup>1</sup> Only includes felony Unauthorized Use of a Motor Vehicle, Section 13A-8-11, Code of Alabama 1975.

# INSTRUCTIONS - - Property Prison In/Out Worksheet

1

## Case Information Section

Complete prior to sentencing. See the General Instructions to complete this section.

2

## Sentencing Factors Section

Complete prior to sentencing.

3

## Most Serious Conviction Offense -

Following the general instructions, the scorer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The scorer should enter the number of points assigned to the most serious offense.

4

## Number of Prior Adult Felony

**Convictions-** Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

5

## Number of Prior Adult Convictions for

**Same Felony** - Count all felony convictions for the same offense that occurred prior to the arrest date of the most serious offense being sentenced at the current sentencing event. Only count those offenses where the crime and the degree are identical to the current offense. For instance, if the current most serious offense is Burglary I, then a prior Burglary II or III conviction would not be scored.

6

## Number of Prior Adult Convictions for

**Misdemeanors or Violations** - Count all criminal convictions for misdemeanor offenses or violations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only include the serious traffic offenses of (1) DUI, (2) BUI, (3) Leaving the Scene of an Accident, (4) Attempting to Elude, (5) Driving without a License or (6) Driving while License is Suspended or Revoked.

7

## Prior Incarceration with Sentence

**Imposed of 1 Year or More** - Count prior prison, jail or Department of Corrections/ community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

8

## Prior Incarceration with Sentence

**Imposed of Less Than 1 Year** - Count prior prison, jail sentences or Department of Corrections/community corrections sentences where the non-suspended time imposed was less than one year. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

9

## Prior Probation or Parole Revocation -

Count probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only felony probation revocations should be scored.

10

## Number of Prior Juvenile Delinquency or Youthful Offender Adjudications -

Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition for misdemeanors or violations as set out in factor #6.*

11

## Possession/Use of a Deadly Weapon or

**Dangerous Instrument** - Count this factor if there was a connection other than the mere possession of a weapon between the presence of a deadly weapon (or dangerous instrument) and the commission of any of the offense(s) being sentenced at the current sentencing event. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. For the purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

12

**Injury to Victim** - Count this factor if a victim suffered physical injury or serious physical injury during the commission or flight from the offense. For the purposes of completing the worksheet, physical injury shall be defined pursuant to Section 13A-1-2 (12), Code of Alabama 1975 and serious physical injury shall be defined pursuant to Section 13A-1-2 (14), Code of Alabama 1975.

13

## Recommendation Section

**Total Score** - Prior to sentencing, total the scores from the Sentencing Factors Section. If the total score is 8 through 14 points, then a non-prison sentence is recommended for the offender. If the total score is 15 or more points, a prison sentence is recommended.

14

**Non-Prison: 8-14 Points** Several options are given for imposing a non-prison sentence are shown on the worksheet. One of these options must be checked to complete the worksheet. Check only one option.

*Probation* should be checked if the offender is sentenced to traditional probation.

*Community Corrections Probation* should be checked if the offender is sentenced to community corrections as a condition of probation.

*County Jail/Work Release* should be checked if the offender is sentenced to a term in the county jail. *Note: A sentence to the county jail and/or county work release is considered a non-prison sentence.*

*Other Alternative* should be checked when a non-prison alternative, other than those listed, is used.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

15

**Prison: 15 or more points** Several prison alternatives are provided.

*Department of Corrections* should be checked if the sentence is a straight prison sentence. *DOC at Community Corrections* should be checked if the offender is sentenced to DOC and ordered to a community corrections program.

*DOC Split Sentence* should be checked if the sentence is a split sentence. Any split to be served in DOC or DOC Community Corrections is considered a prison sentence.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

16

## Reason Recommendation Not Accepted -

Complete only on the copy of the worksheet provided to the court clerk. If the sentencing judge decides that the In/Out recommendation does not fit this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. Reasons may include but are not limited to the following:

More severe

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

Less severe

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

After sentencing, the completed worksheet must be given to the court clerk to forward to the Alabama Sentencing Commission, along with the Prison Sentence Length worksheet.

Please Print

# Property Prison In/Out Worksheet

**1** Defendant \_\_\_\_\_ Case No. \_\_\_\_\_  
Judge \_\_\_\_\_ DA/Asst. DA \_\_\_\_\_  
Probation Officer \_\_\_\_\_ Defense Attorney \_\_\_\_\_  
Worksheet Preparer, Title \_\_\_\_\_  
**2** List Additional Cases Sentenced for this Event \_\_\_\_\_

**3** Most Serious Conviction Offense \_\_\_\_\_ Please circle one offense

Possession/Use Credit/Debit Card .....	8	Burglary III .....	11
Possession Forged Instrument II, Forgery II, .....		Burglary II .....	13
Theft of Prop II, Receive Stolen Prop II .....	9	Burglary I .....	14
Theft of Prop I, Receive Stolen Prop I, .....			
Unauthorized Use/B&E Vehicle .....	10		

Score

**4** Number of Prior Adult Felony Convictions \_\_\_\_\_

None .....	0
1-2 .....	1
3-4 .....	2
5 or more .....	3

Score

**5** Number of Prior Adult Convictions for Same Felony \_\_\_\_\_

None .....	0
1 .....	1
2 .....	2
3-4 .....	3
5 or more .....	4

Score

**6** Number of Prior Adult Convictions for Misdemeanors or Violations \_\_\_\_\_

0-1 .....	0
2-5 .....	1
6-9 .....	2
10 or more .....	3

Score

**7** Prior Incarceration with Sentence Imposed of 1 Year or More \_\_\_\_\_

If Yes ..... 6

Score

**8** Prior Incarceration with Sentence Imposed of Less Than 1 Year \_\_\_\_\_

If Yes ..... 3

Score

**9** Prior Probation or Parole Revocation \_\_\_\_\_

If Yes ..... 2

Score

**10** Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony) \_\_\_\_\_

None .....	0
1 .....	1
2-3 .....	2
4 .....	3
5 or more .....	4

Score

**11** Possession/Use of a Deadly Weapon or Dangerous Instrument \_\_\_\_\_

If Yes ..... 1

Score

**12** Injury to Victim \_\_\_\_\_

If Yes ..... 2

Score

## Recommendation

**13** Total Score

**14** 8-14 points: Non-Prison

Probation \_\_\_\_\_ Community Corrections Probation \_\_\_\_\_

County Jail/Work Release \_\_\_\_\_ Other Alternative \_\_\_\_\_

**16** Reason Recommendation Not Accepted \_\_\_\_\_

**15** 15 or more points: Prison

Department of Corrections \_\_\_\_\_

DOC at Community Corrections \_\_\_\_\_

DOC Split Sentence \_\_\_\_\_

# INSTRUCTIONS - - Property Prison Sentence Length Worksheet

The Property Prison Sentence Length Worksheet is intended for use where a prison sentence is recommended on the In/Out worksheet. The sentencing standards were developed based on prison sentences actually imposed. These sentences may, however, be used as a guide when the recommendation is non-prison so long as other laws regarding limits on the length of probation are followed.

The Case Information and Sentencing Factors section of this worksheet must be completed prior to sentencing.

**1 Case Information Section**  
Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

**2 Sentencing Factors Section**  
Complete prior to sentencing.

**3 Most Serious Conviction Offense** - The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

**4 Number of Additional Felony Convictions (Including Counts)** - The scorer should total all offenses being sentenced other than the most serious offense being sentenced at the present time. In the event of a multi-count indictment, all counts in which the defendant was found guilty or entered a guilty plea should be counted the same as separate convictions. This does not include prior convictions - they are counted elsewhere.

**5 Number of Prior Adult Felony Convictions** - Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

**6 Number of Prior Adult Felony Property Convictions** - Count only the number of felony property convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

**7 Prior Incarceration with Sentence Imposed of 1 Year or More** - Count prior prison, jail sentences or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

**8 Prior Probation or Parole Revocation** - Count probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only felony probation revocations should be scored.

**9 Possession/Use of a Deadly Weapon or a Dangerous Instrument and/or Injury to Victim** - Count this if the offender used or brandished a deadly weapon or dangerous instrument. This factor should not be counted if the deadly weapon or dangerous instrument is merely "loot" or proceeds of a sale. There should be a connection other than the mere possession of the deadly weapon or dangerous instrument for this factor to be scored. For the purposes of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

Count this factor if a victim suffered physical injury or serious physical injury during the commission or flight from the offense. For the purposes of completing the worksheet physical injury shall be defined pursuant to Section 13A-1-2 (12), Code of Alabama 1975 and serious physical injury shall be defined pursuant to Section 13A-1-2 (14), Code of Alabama 1975.

Additionally, this factor should be counted if the defendant enters a dwelling with a deadly weapon whether or not it was used or brandished during the commission of the offense.

**10 Acquired a Firearm During Offense** - Count this if a firearm was acquired during the commission of the offense(s) being scored at the current sentencing event.

## Prison Sentence Length Recommendation

**11 Total Score** - Total the scores from the Sentencing Factors Section.

**12 Recommended Sentence Range** - Go to the Drug Prison Sentence Ranges for Worksheet Table to convert the score into a sentence length recommendation. Record the recommended sentence range for the total sentence in the space identified as "straight". Record the recommended split sentence range in the space provided. The prison sentence for the most serious offense must come from these tables to comply with the

standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table recommendations and should *not* be added.

**13 Actual Sentence Imposed** - Enter the actual sentence imposed, including the split if a split is imposed.  
*Example:* 36 months, split to serve 12 months with 24 months probation.  
*Example:* 60 months, split to serve 24 months with 12 months probation.  
*Example:* 60 months  
*Note:* the disposition of the prison sentence, DOC custody, DOC at Community Corrections, or DOC split should also be checked on the In/Out worksheet.

**Reason Recommendation Not Accepted** - If the sentencing judge decides that no sentence length recommendation fits this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

### More severe

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

### Less severe

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

After sentencing, the completed worksheet must be given to the court clerk to forward to the Alabama Sentencing Commission, along with the Prison In/Out worksheet.



Please Print

# Property Prison Sentence Length Worksheet

1 Defendant \_\_\_\_\_ Case No. \_\_\_\_\_

2  
3 Most Serious Conviction Offense \_\_\_\_\_

Unauthorized Use/B&E Vehicle .....	32	Theft of Prop II, Receive Stolen Prop II .....	46
Possession/Use Credit/Debit Card .....	39	Theft of Prop I, Receive Stolen Prop I .....	58
Possession Forged Instrument II .....	42	Burglary II .....	70
Forgery II .....	44	Burglary I .....	275
Burglary III .....	45		

Score

4 Number of Additional Felony Convictions (Including Counts) \_\_\_\_\_

None .....	0
1 .....	5
2 .....	10
3 or more .....	15

Score

5 Number of Prior Adult Felony Convictions \_\_\_\_\_

None .....	0	6 .....	72
1 .....	12	7 .....	84
2 .....	24	8 .....	97
3 .....	36	9 .....	109
4 .....	48	10 or more .....	121
5 .....	60		

Score

6 Number of Prior Adult Felony Property Convictions \_\_\_\_\_

None .....	0
1 .....	7
2 .....	14
3 .....	21
4 .....	27
5 or more .....	34

Score

7 Prior Incarceration with Sentence Imposed of 1 Year or More \_\_\_\_\_

If Yes ..... 15

Score

8 Prior Probation or Parole Revocation \_\_\_\_\_

If Yes ..... 7

Score

9 Possession/Use of a Deadly Weapon/Dangerous Instrument or Injury to Victim \_\_\_\_\_

If Yes ..... 37

Score

10 Acquired a Firearm During Offense \_\_\_\_\_

If Yes ..... 12

Score

See Prison Sentence Length  
Recommendation Table

11 Total Score

12 Recommended Sentence Range \_\_\_\_ to \_\_\_\_ (straight) \_\_\_\_ to \_\_\_\_ (split)

13 Actual Sentence Imposed \_\_\_\_\_

14 Reason did **not** accept sentence length recommendation \_\_\_\_\_

# Property Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
32	13	18	23	6	9	12
37	13	22	31	6	9	12
39	13	22	31	6	9	12
42	13	22	31	6	9	12
44	13	22	31	6	9	12
45	13	22	31	6	9	12
46	13	22	31	6	9	12
47	13	22	31	6	9	12
49	14	23	31	6	9	12
51	14	23	31	6	9	12
52	14	27	38	6	9	12
53	14	27	38	6	9	12
54	14	27	38	6	9	12
55	14	27	38	6	9	12
56	14	31	46	6	9	12
57	14	31	46	6	9	12
58	14	31	46	6	9	12
59	14	31	46	6	9	12
60	14	31	46	6	9	12
61	16	31	46	6	9	12
62	16	31	46	6	9	12
63	16	31	46	6	9	12
64	16	31	46	6	9	12
65	16	31	46	6	9	12
66	16	31	46	6	9	12
67	16	31	46	6	9	12
68	16	31	46	6	9	12
69	16	31	46	6	9	12
70	16	31	46	6	9	12
71	19	32	46	6	9	12
72	19	32	46	6	9	12
73	19	32	46	6	9	12
74	19	32	46	6	9	12
75	19	32	46	6	9	12
76	19	36	54	6	9	12
77	19	36	54	6	9	12
78	22	42	61	6	9	12
79	22	42	61	6	9	12
80	22	42	61	6	9	12
81	22	42	61	6	9	12
82	22	42	61	6	9	12
83	22	42	61	6	9	12
84	22	42	61	6	9	12
85	22	42	61	6	9	12
86	22	42	61	6	9	12
87	22	42	61	6	9	12
88	22	42	61	6	9	12

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
89	22	42	61	6	12	19
90	22	45	69	6	12	19
91	22	45	69	6	12	19
92	22	45	69	6	12	19
93	22	45	69	6	12	19
94	22	45	69	6	12	19
95	22	45	69	6	12	19
96	22	45	69	6	12	19
97	22	45	69	6	12	19
98	22	45	69	6	12	19
99	22	49	77	6	12	19
100	22	49	77	6	12	19
101	22	68	115	6	12	19
102	22	68	115	6	12	19
103	22	68	115	6	12	19
104	22	68	115	6	12	19
105	22	68	115	6	12	19
106	24	70	115	6	12	19
107	27	71	115	6	12	19
108	27	71	115	6	12	19
109	27	71	115	6	12	19
110	27	71	115	6	12	19
111	27	71	115	6	12	19
112	27	71	115	6	12	19
113	27	71	115	6	12	19
114	27	71	115	6	12	19
115	27	71	115	6	12	19
116	27	71	115	6	12	19
117	27	71	115	6	12	19
118	32	74	115	6	12	19
119	54	85	115	6	12	19
120	54	85	115	6	12	19
121	54	85	115	6	12	19
122	54	85	115	6	12	19
123	54	85	115	6	12	19
124	54	85	115	6	12	19
125	54	85	115	6	12	19
126	54	85	115	6	12	19
127	54	85	115	6	12	19
128	54	85	115	6	12	19
129	54	85	115	6	12	19
130	54	85	115	6	12	19
131	54	85	115	6	12	19
132	54	85	115	6	12	19
133	54	85	115	6	12	19
134	54	85	115	6	12	19
135	54	85	115	6	12	19
136	54	85	115	6	12	19
137	54	85	115	6	12	19
138	54	85	115	6	12	19

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>139</b>	54	85	115	6	12	19
<b>140</b>	54	85	115	6	12	19
<b>141</b>	54	85	115	6	12	19
<b>142</b>	54	85	115	6	12	19
<b>143</b>	54	85	115	6	12	19
<b>144</b>	76	95	115	6	12	19
<b>145</b>	76	95	115	6	12	19
<b>146</b>	76	95	115	6	12	19
<b>147</b>	76	95	115	6	12	19
<b>148</b>	76	95	115	6	12	19
<b>149</b>	76	95	115	6	12	19
<b>150</b>	76	95	115	6	12	19
<b>151</b>	76	95	115	12	15	19
<b>152</b>	76	95	115	12	15	19
<b>153</b>	76	95	115	12	15	19
<b>154</b>	76	95	115	12	15	19
<b>155</b>	76	95	115	12	15	19
<b>156</b>	76	95	115	12	15	19
<b>157</b>	76	95	115	12	15	19
<b>158</b>	76	95	115	12	15	19
<b>159</b>	76	95	115	12	15	19
<b>160</b>	76	95	115	12	15	19
<b>161</b>	76	95	115	12	15	19
<b>162</b>	76	95	115	12	15	19
<b>163</b>	76	95	115	12	15	19
<b>164</b>	76	95	115	12	15	19
<b>165</b>	76	95	115	12	15	19
<b>166</b>	76	95	115	12	15	19
<b>167</b>	76	95	115	12	15	19
<b>168</b>	81	102	123	12	15	19
<b>169</b>	81	102	123	12	15	19
<b>170</b>	81	102	123	12	18	25
<b>171</b>	81	102	123	12	18	25
<b>172</b>	81	102	123	12	18	25
<b>173</b>	81	102	123	12	18	25
<b>174</b>	81	102	123	12	18	25
<b>175</b>	81	102	123	12	18	25
<b>176</b>	81	102	123	12	18	25
<b>177</b>	81	102	123	12	18	25
<b>178</b>	81	102	123	12	18	25
<b>179</b>	81	102	123	12	18	25
<b>180</b>	81	102	123	12	18	25
<b>181</b>	81	102	123	12	18	25
<b>182</b>	81	102	123	12	18	25
<b>183</b>	81	102	123	12	18	25
<b>184</b>	81	102	123	12	18	25
<b>185</b>	81	102	123	12	18	25
<b>186</b>	81	102	123	12	18	25
<b>187</b>	81	102	123	12	18	25
<b>188</b>	81	102	123	12	18	25

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>189</b>	81	102	123	12	18	25
<b>190</b>	81	102	123	12	18	25
<b>191</b>	81	102	123	12	18	25
<b>192</b>	81	117	154	12	18	25
<b>195</b>	81	117	154	12	18	25
<b>197</b>	81	117	154	12	18	25
<b>198</b>	81	117	154	12	18	25
<b>199</b>	81	117	154	12	18	25
<b>201</b>	81	117	154	12	18	25
<b>202</b>	81	117	154	12	18	25
<b>204</b>	81	117	154	12	18	25
<b>205</b>	81	117	154	12	18	25
<b>206</b>	81	117	154	12	22	31
<b>207</b>	81	117	154	12	22	31
<b>208</b>	81	117	154	12	22	31
<b>209</b>	81	117	154	12	22	31
<b>210</b>	81	117	154	12	22	31
<b>211</b>	81	117	154	12	22	31
<b>213</b>	81	117	154	12	22	31
<b>214</b>	81	117	154	12	22	31
<b>215</b>	81	117	154	18	25	31
<b>216</b>	81	117	154	18	25	31
<b>217</b>	81	117	154	18	25	31
<b>219</b>	81	117	154	18	25	31
<b>220</b>	81	117	154	18	25	31
<b>222</b>	81	117	154	18	25	31
<b>223</b>	81	117	154	18	25	31
<b>225</b>	81	117	154	18	25	31
<b>228</b>	81	117	154	18	25	31
<b>232</b>	81	117	154	18	25	31
<b>233</b>	81	117	154	18	25	31
<b>235</b>	81	117	154	18	25	31
<b>245</b>	81	117	154	18	25	31
<b>246</b>	81	117	154	18	25	31
<b>250</b>	81	117	154	18	25	31
<b>260</b>	81	117	154	18	25	31
<b>274</b>	81	117	154	18	25	31
<b>275</b>	120	135	156	24	30	36
<b>280</b>	120	135	156	24	30	36
<b>282</b>	120	135	156	24	30	36
<b>285</b>	120	135	156	24	30	36
<b>287</b>	120	135	156	24	30	36
<b>290</b>	120	135	156	24	30	36
<b>292</b>	120	135	156	24	30	36
<b>294</b>	120	135	156	24	30	36
<b>299</b>	120	135	156	24	30	36
<b>302</b>	120	135	156	24	30	36
<b>304</b>	120	135	156	24	30	36
<b>306</b>	120	135	156	24	30	36
<b>308</b>	120	135	156	24	30	36

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>309</b>	120	135	156	24	30	36
<b>311</b>	120	135	156	24	30	36
<b>312</b>	120	135	156	24	30	36
<b>313</b>	120	135	156	24	30	36
<b>314</b>	120	135	156	24	30	36
<b>317</b>	120	135	156	24	30	36
<b>318</b>	120	150	180	24	30	36
<b>320</b>	120	150	180	24	30	36
<b>321</b>	120	150	180	24	30	36
<b>323</b>	120	150	180	24	30	36
<b>324</b>	120	150	180	24	30	36
<b>326</b>	120	150	180	24	30	36
<b>329</b>	120	150	180	24	30	36
<b>331</b>	120	150	180	24	30	36
<b>333</b>	120	150	180	24	30	36
<b>335</b>	120	150	180	24	30	36
<b>336</b>	120	150	180	24	30	36
<b>338</b>	120	150	180	24	30	36
<b>339</b>	120	150	180	24	30	36
<b>341</b>	120	150	180	24	30	36
<b>342</b>	120	150	180	24	30	36
<b>343</b>	120	150	180	24	30	36
<b>345</b>	120	150	180	24	30	36
<b>347</b>	120	150	180	24	30	36
<b>350</b>	120	150	180	24	30	36
<b>351</b>	120	150	180	24	30	36
<b>353</b>	144	192	240	36	48	60
<b>356</b>	144	192	240	36	48	60
<b>358</b>	144	192	240	36	48	60
<b>359</b>	144	192	240	36	48	60
<b>362</b>	144	192	240	36	48	60
<b>363</b>	144	192	240	36	48	60
<b>364</b>	144	192	240	36	48	60
<b>369</b>	144	192	240	36	48	60
<b>370</b>	144	192	240	36	48	60
<b>375</b>	144	192	240	36	48	60
<b>380</b>	144	192	240	36	48	60
<b>382</b>	144	192	240	36	48	60
<b>385</b>	144	192	240	36	48	60
<b>396</b>	144	192	240	36	48	60
<b>404</b>	144	192	240	36	48	60
<b>418</b>	144	192	240	36	48	60



# PERSONAL OFFENSES

## **Voluntary Sentencing Standards & Worksheets**

The Personal offenses listed below are covered by the Voluntary Sentencing Standards & Worksheets.

### **Most Serious Offense at Conviction Ranking**

Murder – 728 points  
§13A-6-2

Rape I – 386 points  
§13A-6-61

Robbery I – 374 points  
§13A-8-41

Manslaughter – 238 points  
§13A-6-3

Sodomy I – 235 points  
§13A-6-63

Robbery II – 173 points  
§13A-8-42

Assault I – 148 points  
§13A-6-20

Rape II – 129 points  
§13A-6-62

Robbery III – 89 points  
§13A-8-43

Sodomy II – 81 points  
§13A-6-64

Assault II – 72 points  
§13A-6-21

# INSTRUCTIONS - - Personal Prison In/Out Worksheet

## 1 Case Information Section

Complete prior to sentencing. See the General Instructions to complete this section.

## 2 Sentencing Factors Section

Complete prior to sentencing.

## 3 Most Serious Conviction Offense –

Following the general instructions, the scorer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The scorer should enter the number of points assigned to the most serious offense.

*Note: Rape I or II or Sodomy I or II is not a worksheet offense if the victim of the offense is under the age of 12 years old.*

## 4 Number of Prior Adult Felony

**Convictions** - Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

## 5 Prior Incarceration with Sentence

**Imposed of 1 Year or More** - Count prior prison, jail or Department of Corrections/ community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

## 6 Number of Prior Juvenile Delinquency or Youthful Offender Adjudications (Violation/Misdemeanor/Felony) -

Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition for misdemeanors or violations as set out in the General Instructions.*

## 7 Possession/Use of Deadly Weapon or Dangerous Instrument–

Count this if the offender used or brandished a deadly weapon or dangerous instrument. This factor should not be counted if the deadly weapon or dangerous instrument is merely “loot” or proceeds of a sale. There should be a connection other than the mere possession of the deadly weapon or dangerous instrument for this factor to be scored. For the purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72, Code of Alabama 1975.-Additionally,

this factor should be counted if the defendant enters a dwelling with a deadly weapon whether or not it was used or brandished during the commission of the offense.

## Recommendation Section

**8 Total Score** – Prior to sentencing, total the scores from the Sentencing Factors Section. If the total score is 1 through 7 points, then a non-prison sentence is recommended for the offender. If the total score is 8 or more points, a prison sentence is recommended.

**9 Non-Prison: 1-7 Points** Several options are given for imposing a non-prison sentence. Some of these options are shown on the worksheet. One of these options must be checked to complete the worksheet. Check only one option. *Probation* should be checked if the offender is sentenced to traditional probation.

*Community Corrections Probation* should be checked if the offender is sentenced to community corrections as a condition of probation.

*County Jail/Work Release* should be checked if the offender is sentenced to a term in the county jail. *Note: For worksheet purposes, a sentence to the county jail and/or county work release is considered a non-prison sentence.*

*Other Alternative* should be checked when a non-prison alternative, other than those listed, is used.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible modification of the worksheet recommendations.*

**10 Prison: 8 or more points** Several prison alternatives are provided.

*Department of Corrections* should be checked if the sentence is a straight prison sentence.

*DOC at Community Corrections* should be checked if the offender is sentenced to DOC and ordered to a community corrections program.

*DOC Split Sentence* should be checked if the sentence is a split sentence. Any split to be served in DOC or DOC Community Corrections is considered a prison sentence.

*The sentence disposition type should be checked even if it is not consistent with the recommended disposition. This information will be useful for possible*

*modification of the worksheet recommendations.*

## 11 Reason Recommendation Not Accepted

This section need be completed only on the copy of the worksheet provided to the court clerk.

If the sentencing judge decides that the In/Out recommendation does not fit this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

More severe

- Worksheets do not express the severity of criminality of the offender’s history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

Less severe

- The worksheets exaggerate the severity of the offender’s prior history.
- The recommended sentence punishes too harshly or too leniently.
- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

After sentencing, the completed worksheet must be given to the court clerk to forward to the Alabama Sentencing Commission, along with the Prison Sentence Length worksheet.

Please Print

# Personal Prison In/Out Worksheet

**1** Defendant \_\_\_\_\_  
Judge \_\_\_\_\_  
Probation Officer \_\_\_\_\_  
Worksheet Preparer, Title \_\_\_\_\_  
List Additional Cases Sentenced for this Event \_\_\_\_\_

Case No. \_\_\_\_\_  
DA/Asst. DA \_\_\_\_\_  
Defense Attorney \_\_\_\_\_

**2**

**3** Most Serious Conviction Offense

Please circle one offense

Assault II .....	1	Rape II, Sodomy II, Robbery II .....	5
Robbery III .....	3	Rape I, Sodomy I, Manslaughter, Robbery I .....	8
Assault I .....	4	Murder .....	10

Score

**4** Number of Prior Adult Felony Convictions

None .....	0
1 .....	2
2 .....	3
3 .....	5
4 .....	6
5 or more .....	8

Score

**5** Prior Incarceration with Sentence Imposed of 1 Year or More

If Yes ..... 1

Score

**6** Number of Prior Juvenile Delinquency or YO Adjudications (Violation/Misd/Felony)

None .....	0
1-2 .....	1
3-4 .....	2
5 or more .....	3

Score

**7** Possession/Use of Deadly Weapon or Dangerous Instrument

If Yes ..... 4

Score

## Recommendation

**8** Total Score

**9** 1-7 points: Non-Prison

Probation \_\_\_\_\_  
Community Corrections Probation \_\_\_\_\_  
County Jail/Work Release \_\_\_\_\_  
Other Alternative \_\_\_\_\_

**10** 8 or more points: Prison

Department of Corrections \_\_\_\_\_  
DOC at Community Corrections \_\_\_\_\_  
DOC Split Sentence \_\_\_\_\_

**11** Reason Recommendation Not Accepted \_\_\_\_\_

# INSTRUCTIONS - - Personal Prison Sentence Length Worksheet

The Personal Prison Sentence Length Worksheet is intended for use where a prison sentence is recommended on the In/Out worksheet. The sentencing standards were developed based on prison sentences actually imposed. These sentences may, however, be used as a guide when the recommendation is non-prison so long as other laws regarding limits on the length of probation are followed.

The Case Information and Sentencing Factors section of this worksheet must be completed prior to sentencing.

## 1 Case Information Section

Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

## 2 Sentencing Factors Section

Complete prior to sentencing.

## 3 Most Serious Conviction Offense - The scorer should select only the most serious offense being sentenced at the current sentencing event. (See General Instructions.)

## 4 Number of Prior Adult Felony Convictions - Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

## 5 Number of Prior Incarcerations with Sentence Imposed of 1 Year or More - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

## 6 Prior Incarceration with Sentence Imposed of Less Than 1 Year - Count prior prison, jail or Department of Corrections/community corrections sentences where the non-suspended time imposed was less than one year. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced.

## Prison Sentence Length Recommendation

## 7 Total Score - Total the scores from the Sentencing Factors Section.

## 8 Recommended Sentence Range - Go to the Drug Prison Sentence Ranges for Worksheet Table to convert the score into

a sentence length recommendation. Record the recommended sentence range for the total sentence in the space identified as "straight". Record the recommended split sentence range in the space provided. The prison sentence for the most serious offense must come from these tables to comply with the standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table recommendations and should *not* be added.

## 9 Actual Sentence Imposed - Enter the actual sentence imposed, including the split if a split is imposed.

*Example:* 36 months, split to serve 12 months with 24 months probation.

*Example:* 60 months, split to serve 24 months with 12 months probation.

*Example:* 60 months

*Note: the disposition of the prison sentence, DOC custody, DOC at Community Corrections, or DOC split should also be checked on the In/Out worksheet.*

## Reason Recommendation Not Accepted

## 10 - If the sentencing judge decides that no sentence length recommendation fits this case, the judge or another person designated by the judge, is asked to give a reason why the recommendation was not followed. The reason given should be stated here and will be used by the Sentencing Commission to evaluate the effectiveness of the standards. Reasons may include but are not limited to the following:

More severe

- Worksheets do not express the severity of criminality of the offender's history.
- No alternatives to prison available.
- Offender needs long-term substance abuse treatment available only through the Department of Corrections.
- Deserves greater punishment considering injury to victim.

Less severe

- The worksheets exaggerate the severity of the offender's prior history.
- The recommended sentence punishes too harshly or too leniently.

- Offender shows sufficient progress toward rehabilitation to allow alternative to prison.

After sentencing, the completed worksheet must be given to the court clerk to forward to the Alabama Sentencing Commission, along with the Prison In/Out worksheet.

Please Print **Personal Prison Sentence Length Worksheet**

2

1

Defendant \_\_\_\_\_ Case No. \_\_\_\_\_

3

**Most Serious Conviction Offense** \_\_\_\_\_

Assault II .....	72	Sodomy I .....	235
Sodomy II .....	81	Manslaughter .....	238
Robbery III .....	89	Robbery I .....	374
Rape II .....	129	Rape I .....	386
Assault I .....	148	Murder .....	728
Robbery II .....	173		

Score

4

**Number of Prior Adult Felony Convictions** \_\_\_\_\_

None .....	0
1 .....	19
2 .....	37
3 .....	56
4 .....	75
5 .....	93
6 .....	112
7 .....	130
8 .....	149
9 .....	168
10 or more .....	186

Score

5

**Number of Prior Incarcerations with Sentence Imposed of 1 Year or More** \_\_\_\_\_

None .....	0
1 .....	51
2 .....	101
3 .....	152
4 .....	202
5 or more .....	253

Score

6

**Prior Incarceration with Sentence Imposed of Less Than 1 Year** \_\_\_\_\_

If Yes ..... 33

Score

**See Prison Sentence Length  
Recommendation Table**

7

**Total Score**

8

Recommended Sentence Range \_\_\_\_\_ to \_\_\_\_\_ (straight) \_\_\_\_\_ to \_\_\_\_\_ (split)

9

Actual Sentence Imposed \_\_\_\_\_

10

Reason did **not** accept sentence length recommendation \_\_\_\_\_

## Personal Prison Sentence Length Ranges for Worksheet

Time in Months

<u>Score</u>	<u>Total Sentence</u>			<u>Time to Serve On Split</u>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
72	13	37	60	6	15	24
81	13	37	60	6	15	24
89	13	37	60	6	15	24
91	13	37	60	6	15	24
100	13	37	60	6	15	24
105	13	47	80	6	15	24
108	13	47	80	6	15	24
109	13	47	80	6	15	24
122	13	47	80	6	15	24
123	13	47	80	6	15	24
124	13	47	80	6	15	24
126	13	47	80	6	15	24
128	13	47	80	6	15	24
129	39	71	102	6	15	24
132	47	74	102	12	18	24
133	47	74	102	12	18	24
137	47	74	102	12	18	24
141	55	78	102	12	18	24
142	55	99	143	12	24	36
145	55	99	143	12	24	36
147	55	99	143	12	24	36
148	55	99	143	12	24	36
156	55	99	143	12	24	36
159	62	103	143	12	24	36
160	62	103	143	12	24	36
162	62	103	143	12	24	36
164	62	103	143	12	24	36
166	62	108	153	12	24	36
167	78	116	153	12	24	36
169	78	116	153	12	24	36
170	78	116	153	12	24	36
173	78	116	153	12	24	36
175	78	116	153	12	24	36
177	78	116	153	12	24	36
178	78	116	153	12	24	36
179	78	116	153	12	24	36
180	78	116	153	12	24	36
181	78	116	153	12	24	36
182	78	116	153	12	24	36
184	78	116	153	12	24	36
185	78	116	153	12	24	36
192	78	126	173	12	24	36
193	78	126	173	12	24	36
196	78	126	173	12	24	36
197	78	126	173	12	24	36
198	78	126	173	12	24	36
199	78	126	173	12	24	36
200	78	126	173	12	24	36
201	78	126	173	12	24	36

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
204	78	126	173	12	24	36
206	78	126	173	12	24	36
209	78	126	173	12	24	36
210	78	126	173	12	24	36
215	78	126	173	12	24	36
217	78	126	173	12	24	36
218	78	126	173	12	24	36
219	78	126	173	12	24	36
223	78	126	173	12	24	36
224	78	126	173	12	24	36
225	78	126	173	12	24	36
227	78	126	173	12	24	36
229	78	126	173	12	24	36
230	78	126	173	12	24	36
231	78	126	173	12	24	36
232	78	126	173	18	29	40
233	78	126	173	18	29	40
235	78	126	173	18	29	40
236	78	126	173	18	33	48
237	78	126	173	18	33	48
238	78	126	173	18	33	48
243	78	126	173	18	33	48
248	78	141	204	18	33	48
249	78	141	204	18	33	48
251	78	141	204	18	33	48
252	78	141	204	18	33	48
253	78	141	204	18	33	48
254	86	145	204	18	33	48
255	86	145	204	18	33	48
256	86	145	204	18	33	48
257	86	145	204	18	33	48
260	86	145	204	18	33	48
261	86	145	204	18	33	48
262	86	145	204	18	33	48
265	86	145	204	18	33	48
266	86	145	204	18	33	48
267	86	145	204	18	33	48
268	86	145	204	18	33	48
269	86	145	204	18	33	48
271	86	145	204	18	33	48
272	86	145	204	18	33	48
274	86	145	204	18	33	48
275	86	145	204	18	33	48
276	86	145	204	18	33	48
280	86	145	204	18	33	48
281	86	145	204	18	33	48
283	101	153	204	18	33	48
286	101	153	204	18	33	48
287	101	153	204	18	33	48
288	101	153	204	18	33	48
289	101	153	204	18	33	48
290	101	153	204	18	33	48
291	101	153	204	18	33	48



<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
292	101	153	204	18	33	48
294	101	153	204	18	33	48
299	101	153	204	18	33	48
300	101	153	204	18	33	48
305	101	153	204	18	33	48
307	101	153	204	18	33	48
308	101	153	204	18	33	48
311	101	153	204	22	41	60
313	101	153	204	22	41	60
316	101	153	204	22	41	60
317	101	153	204	22	41	60
319	101	153	204	22	41	60
322	101	153	204	22	41	60
323	101	153	204	22	41	60
324	101	153	204	22	41	60
326	117	161	204	22	41	60
330	117	161	204	22	41	60
331	117	161	204	22	41	60
332	117	161	204	22	41	60
334	117	161	204	22	41	60
335	117	161	204	22	41	60
336	117	161	204	22	41	60
337	117	161	204	22	41	60
338	117	161	204	22	41	60
339	117	161	204	24	42	60
342	117	161	204	24	42	60
344	117	161	204	24	42	60
345	117	161	204	24	42	60
349	117	161	204	24	42	60
350	117	161	204	24	42	60
355	117	161	204	24	42	60
356	117	161	204	24	42	60
358	117	161	204	24	42	60
359	117	161	204	24	42	60
362	117	161	204	24	42	60
363	117	161	204	24	42	60
364	117	161	204	24	42	60
366	117	161	204	24	42	60
367	117	161	204	24	42	60
371	117	186	255	24	42	60
373	117	186	255	24	42	60
374	117	186	255	24	42	60
375	117	186	255	24	42	60
376	117	186	255	24	42	60
378	117	186	255	24	42	60
379	117	186	255	24	42	60
381	117	186	255	24	42	60
386	117	186	255	24	42	60
387	117	186	255	24	42	60
389	117	186	255	24	42	60
393	117	186	255	24	42	60
400	117	186	255	24	42	60
403	117	186	255	24	42	60

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
404	117	186	255	24	42	60
405	117	186	255	24	42	60
406	117	186	255	24	42	60
407	117	186	255	24	42	60
409	117	186	255	24	42	60
411	117	186	255	24	42	60
412	117	186	255	24	42	60
414	117	186	255	24	42	60
418	117	186	255	24	42	60
419	117	186	255	24	42	60
423	117	186	255	24	42	60
425	117	186	255	24	42	60
426	117	186	255	24	42	60
427	117	186	255	24	42	60
428	117	186	255	24	42	60
430	117	186	255	24	42	60
431	117	186	255	24	42	60
436	117	186	255	24	42	60
437	117	186	255	24	42	60
438	156	231	306	24	42	60
439	156	231	306	24	42	60
442	156	231	306	24	42	60
444	156	231	306	24	42	60
449	156	231	306	24	42	60
450	156	231	306	24	42	60
451	156	231	306	36	48	60
455	156	231	306	36	48	60
456	156	231	306	36	48	60
457	156	231	306	36	48	60
458	156	231	306	36	48	60
460	156	231	306	36	48	60
461	156	282	408	36	48	60
462	156	282	408	36	48	60
463	156	282	408	36	48	60
465	156	282	408	36	48	60
467	156	282	408	36	48	60
470	156	282	408	36	48	60
474	156	282	408	36	48	60
475	156	282	408	36	48	60
476	156	282	408	36	48	60
477	156	282	408	36	48	60
483	156	282	408	36	48	60
487	156	282	408	36	48	60
491	156	282	408	36	48	60
493	156	282	408	36	48	60
494	156	282	408	36	48	60
495	156	282	408	36	48	60
498	156	282	408	36	48	60
500	156	282	408	36	48	60
501	156	282	408	36	48	60
505	156	282	408	36	48	60
506	156	588	1020	36	48	60
507	156	588	1020	36	48	60

<b>Score</b>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>	<b><u>Low</u></b>	<b><u>Mid</u></b>	<b><u>High</u></b>
<b>510</b>	156	588	1020	36	48	60
<b>512</b>	156	588	1020	36	48	60
<b>513</b>	156	588	1020	36	48	60
<b>520</b>	156	588	1020	36	48	60
<b>524</b>	156	588	1020	36	48	60
<b>526</b>	156	588	1020	36	48	60
<b>528</b>	156	588	1020	36	48	60
<b>529</b>	156	588	1020	36	48	60
<b>530</b>	156	588	1020	36	48	60
<b>531</b>	156	588	1020	36	48	60
<b>533</b>	156	588	1020	36	48	60
<b>540</b>	156	588	1020			
<b>543</b>	156	588	1020			
<b>544</b>	156	588	1020			
<b>545</b>	156	588	1020			
<b>548</b>	156	588	1020			
<b>550</b>	156	588	1020			
<b>551</b>	156	588	1020			
<b>552</b>	156	588	1020			
<b>553</b>	156	588	1020			
<b>556</b>	156	588	1020			
<b>558</b>	156	588	1020			
<b>562</b>	156	588	1020			
<b>564</b>	156	588	1020			
<b>582</b>	156	588	1020			
<b>590</b>	156	588	1020			
<b>594</b>	156	588	1020			
<b>595</b>	156	588	1020			
<b>601</b>	156	588	1020			
<b>602</b>	156	588	1020			
<b>607</b>	156	588	1020			
<b>619</b>	156	588	1020			
<b>620</b>	156	588	1020			
<b>627</b>	156	588	1020			
<b>632</b>	156	588	1020			
<b>652</b>	156	588	1020			
<b>665</b>	156	588	1020			
<b>676</b>	156	588	1020			
<b>677</b>	156	588	1020			
<b>684</b>	156	588	1020			
<b>688</b>	156	588	1020			
<b>695</b>	156	588	1020			
<b>701</b>	156	588	1020			
<b>706</b>	156	588	1020			
<b>709</b>	156	588	1020			
<b>710</b>	156	588	1020			
<b>728</b>	156	588	1020			
<b>732</b>	156	588	1020			
<b>735</b>	234	627	1020			
<b>747</b>	234	627	1020			
<b>757</b>	234	627	1020			
<b>761</b>	234	627	1020			
<b>765</b>	234	627	1020			

<u>Score</u>	<b>Total Sentence</b>			<b>Time to Serve On Split</b>		
	<u>Low</u>	<u>Mid</u>	<u>High</u>	<u>Low</u>	<u>Mid</u>	<u>High</u>
<b>780</b>	234	627	1020			
<b>784</b>	234	627	1020			
<b>790</b>	234	627	1020			
<b>798</b>	234	627	1020			
<b>803</b>	234	627	1020			
<b>812</b>	234	627	1020			
<b>816</b>	234	627	1020			
<b>817</b>	234	627	1020			
<b>831</b>	234	627	1020			
<b>835</b>	234	627	1020			
<b>836</b>	234	627	1020			
<b>840</b>	234	627	1020			
<b>848</b>	234	627	1020			
<b>849</b>	234	627	1020			
<b>854</b>	234	627	1020			
<b>868</b>	234	627	1020			
<b>872</b>	234	627	1020			
<b>885</b>	234	627	1020			
<b>904</b>	234	627	1020			
<b>905</b>	234	627	1020			
<b>918</b>	234	627	1020			
<b>936</b>	234	627	1020			
<b>950</b>	234	627	1020			
<b>955</b>	234	627	1020			
<b>986</b>	234	627	1020			
<b>1010</b>	234	627	1020			
<b>1111</b>	234	627	1020			
<b>1126</b>	234	627	1020			
<b>1130</b>	234	627	1020			

## Sentencing Standards and Worksheets Frequently Asked Questions

### 1. What are the sentencing worksheets?

There are three sets of worksheets – one for each major type of offense – property, drugs and personal. For each offense type, there is an In/Out Worksheet and a Sentence Length Worksheet. Each sheet has a set of statistically relevant sentencing factors specific to each offense type. Examples of factors include: most serious current offense, other offenses being sentenced at the current sentencing event, prior convictions, previous incarcerations, juvenile/youthful offender adjudications, etc. The worksheets will result in a score that is calculated based on the information provided for each factor.

### 2. What is the difference in the In/Out Worksheet and the Sentence Length Worksheet?

The In/Out Worksheet produces a score that recommends either a prison or a non-prison sentence. The Sentence Length Worksheet score tells the judge what sentence range (in months) is recommended based on the defendant's characteristics.

### 3. When should the worksheets be completed?

Worksheets should be completed when the most serious felony offense being sentenced is any of those listed below. (The standards do not apply to misdemeanors or to any sex offense involving a victim under the age of 12).

<b>Personal Worksheets</b>	<b>Property Worksheets</b>	<b>Drug Worksheets</b>
Assault I	Burglary I	Felony DUI
Assault II	Burglary II	Possession of Marihuana I
Manslaughter	Burglary III	Possession of Schedule I-V
Murder	Forgery II	Sale/Distribution of Marihuana (other than to a minor)
Rape I	Possession Forged Instrument II	Sale/Distribution of Schedule I-V (other than to a minor)
Rape II	Theft of Property I	
Robbery I	Theft of Property II	
Robbery II	Receiving Stolen Property I	
Robbery III	Receiving Stolen Property II	
Sodomy I	Unauthorized Use/B&E Vehicle	
Sodomy II	Unlawful Possession/Use Credit/Debit Card	

**4. Who completes the worksheets?**

They may be completed by the district attorney, defense attorney, probation officer, court referral officer, community corrections personnel, or anyone designated by the judge. The sentencing judge designates who is responsible for completing the worksheets. It is envisioned that the DA and defense attorney will both prepare sheets and settle on a score prior to sentencing. If the two sides disagree, then the judge decides which is accurate.

**5. What if one offense being sentenced is covered by the worksheets and another is not?**

If the non-worksheet offense is more serious than the worksheet offense, then the worksheets and standards do not apply. For example, if a defendant is being sentenced for Arson I (Non-worksheet, Class A felony) and Theft of Property II (Worksheet, Class C felony), this case would not be covered. If the most serious offense is included on the worksheets, then it should be scored and the less serious, non-worksheet offense would be counted as an additional offense.

**6. What are the standards?**

These are the suggested punishments and punishment ranges for prison sentences expressed in months. (The range is selected based on the Sentence Length Worksheet score.)

**7. How were the ranges selected?**

The ranges were established by examining historical sentencing data and making certain minor adjustments to reflect current sentencing policies. To set the range, statisticians working for the Alabama Sentencing Commission (ASC) first calculated the middle 50 percent of all sentences imposed for each potential score from the Sentence Length Worksheet. Then, based on results from the Sentencing Commission's simulation model, slight adjustments were made to reflect current sentencing priorities. *Specifically, under the standards, drug and property offenders are slightly less likely to go to prison than under historic sentencing practices. Offenders convicted of personal crimes on the other hand are slightly more likely to receive a prison sentence. Similarly, drug and property offenders are likely to receive a slightly shorter sentence, while the sentence recommendation for violent offenders is likely to be somewhat longer.*

**8. Does a judge have to sentence within the range suggested in the standards?**

No. It is fully expected and intended the standards will only apply 75 percent of the time. Downward and upward departures are left up to the judge's discretion based on the facts presented in each individual case.

**9. What if a judge sentences outside of the standards?**

He or she is requested to write a brief explanation as to why the standards are not followed. This statement is provided solely to assist the ASC in making future modifications to the standards based on courtroom feedback.

**10. Are the sentences imposed under the standards subject to appellate review?**

No.

**11. Is this system the same as “truth-in-sentencing?”**

No. Sentences imposed under the standards still allow offenders to receive good time and parole consideration. Truth-in-sentencing (where the time imposed matches the time to be served) is not scheduled to go into effect until 2009. By this time, a new set of standards will have been developed so the ranges recommended correspond with the amount of time actually served.

**12. Are these like the federal guidelines?**

Definitely Not!!! They are not even similar to the mandatory or presumptive guidelines that exist in states like North Carolina, Minnesota or Kansas. They were patterned after Virginia's guidelines and are voluntary and not subject to appellate review.

**13. If they are voluntary and not subject to appellate review then why do you think judges will follow them?**

There are several advantages, one of which is the fact that these standards reflect the sentencing practices generally used by judges around the state, throwing out the extremes. These standards will provide judges with the information needed to make informed sentencing decisions. Another incentive to use the standards is that the Habitual Felony Offender Act (HFOA) and mandatory enhancements that otherwise would apply are not applicable to sentences imposed pursuant to the standards. The standards should also encourage plea agreements.

**14. Are the standards retroactive?**

No. The initial standards only apply to offenses sentenced after they become effective.

**15. Why are there two sets of standards?**

The initial standards were created with ranges that account for good time and parole consideration. The “time served” standards that will go into effect in 2009, will have recommended sentence ranges that appear much lower than those presented in the initial standards. This is because under the time served standards offenders will be required to serve their sentences day-for-day with no reductions.

Additionally, it is important to field test the standards and prison population simulation model prior to moving to truth in sentencing. This way, if unanticipated prison overcrowding occurs, the population can be managed through existing release mechanisms.

**16. How do you decide if an offender is sentenced under the standards or the Habitual Felony Offender Act?**

This is a matter of judicial discretion. Additionally, the DA may make a recommendation as to which should be applied.

**17. What if the recommended range is above/below the statutory minimum?**

The judge should not sentence an offender to a term that is below the “base” term statutorily authorized for the felony class. The “base” terms are as follows:

- Class A felonies – **10 years** to life;
- Class B felony – **2 years** to 20 years; and
- Class C felonies – **1 year and 1 day** to 10 years.

**18. When calculating prior incarcerations, should sentences resulting from nolo contendere pleas be included?**

Yes. These are included in the data as an incarceration if the plea results in an unsuspended period of incarceration.

**19. What if an offender had several convictions in her early twenties, but for the past 15 to 20 years has committed no crimes? What happens under the standards?**

The prior offenses should still be counted just as they are under the existing Habitual Felony Offender Act. However, the judge may take the lack of criminal activity for such a long time into consideration when choosing the actual sentence within the recommended sentence range.

**20. Will the Habitual Felony Offender Act disappear once the standards are fully implemented?**

This could happen, because prior felony convictions will already be taken into account when determining the recommended sentence ranges. However, this is unlikely to occur until the time served (truth in sentencing) standards go into effect.

**21. If the Habitual Felony Offender Act is eliminated, will the changes be applied retroactively?**

Not without additional legislation. The Habitual Felony Offender Act will still apply to sentences imposed outside the standards.



**22. What if the DA and the defense attorney disagree over whether or not the victim was injured? What about other factual disputes? How do you eliminate the possibility of this sentence being appealed? Does this represent a problem under *Apprendi v. New Jersey* and/or *Blakely v. Washington*?**

As long as the sentence imposed is within the statutory range of punishment, there is no legal problem with the sentence since sentencing under the standards is voluntary. To avoid disputes, however, it is recommended that any sentencing factors that affect the recommended sentence length under the standards – e.g. victim injury, prior convictions, previous incarcerations, etc. – be stipulated to in the plea bargain. In a jury trial, factors other than prior convictions may have to be determined by the jury.

**23. What happens if a judge does not consider the standards at all?**

Although the failure to consider the standards is not appealable, judges are required to consider the standards pursuant to Section 12-25-35, Code of Alabama 1975. It is expected that judges will respect and comply with state law relative to consideration of the standards. The fact that no right of appeal is granted does not affect the judge's responsibility.

**24. What if a defendant's score is not on the worksheet?**

If a score falls between two scores listed on the sheet, then select the lower of the two scores to determine the recommended sentencing range. The "breaks" in the scores simply mean *there was no one in the five year cohort of sentenced offenders who received this exact score.*

**25. The drug worksheet sentence length scores end at 242. What happens if a defendant's score is greater than 242?**

The judge may wish to depart upward from the standards. The scores listed on the sentence length tables reflect actual scores based on a five year cohort of offenders, and the maximum score on each table represents the highest score calculated for this set of cases.

**26. Where were sentencing disparities found? Was there disparity between urban versus rural circuits?**

Disparity was found across the board. Urban jurisdictions differed from other urban jurisdictions, and rural jurisdictions differed from other rural jurisdictions. There was even disparity within individual circuits depending on the sentencing judge. This high degree of disparity was one of the primary reasons for developing the standards.

**27. What if mistakes are made in completing the worksheets? Will this lead to an increase in lawsuits for ineffective assistance of counsel?**

This is not anticipated.

**28. When scoring the youthful offender (YO) factor, do you look at the underlying offense?**

No. For YO cases you just count the total number of adjudications. For juvenile cases, however, you do need to look at the underlying offense to see if it would have been a criminal offense had the person been an adult.